

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRIT No. 2798 of 2005

RAMZAN ALI
V/S
PREMRAJ & ORS.

Mr. RK SONI, for the appellant / petitioner

Ms. DEEPIKA VYAS for Mr. RANJEET JOSHI, for the
respondent

Date of Order : 11.9.2007

HON'BLE SHRI N P GUPTA, J.

ORDER

Heard learned counsel for the parties.

By the impugned order, the learned trial Court declined to summon the original document, though certified copy had been produced, and the application for summoning the record had been dismissed. The impugned order is dated 21.3.2005, and in this writ petition on 10.5.2005 while issuing notices for final disposal, by way of interim measure, this Court directed the learned trial Court to send a letter for requisitioning the original agreement for sale in question, which is lying in this Court in S.B.Civil First Appeal No.273/2003, and to proceed with the case, of course subject to the decision of this writ petition.

In my view, when the certified copy is already there on record, and question of proof of the document is involved only on the ground of absence of the original, it is eminently just and proper that the original be

requisitioned, and since that has already been ordered to be requisitioned, the writ is required to be disposed of by making the order dated 10.5.2005 absolute.

The writ petition is, accordingly, disposed of making the order dated 10.5.2005 absolute with the direction to the learned trial Court to decide the suit most expeditiously.

(N P GUPTA), J.

/tarun/